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This factsheet does not bind the Court and is not exhaustive

Roma and Travellers

Article 14 (prohibition of discrimination)

The European Convention on Human Rights states that Article 14 guarantees all the rights and freedoms set forth in it¹ regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 1 of Protocol No. 12 (general prohibition of discrimination)

The enjoyment of any right set forth by law shall be secured without discrimination on any ground (See *Sejdic and Finci v. Bosnia and Herzegovina* judgment, p. 4)

Alleged anti-Roma sentiment in government-funded publications

[Aksu v. Turkey](#)

Mr Aksu, of Roma origin, alleged that three government-funded publications (a book about Roma and two dictionaries) included remarks and expressions that reflected anti-Roma sentiment.

[Article 14 \(prohibition of discrimination\)](#)

The Court reiterated that discrimination within the meaning of Article 14 was to be understood as treating people in relevantly similar situations differently, without an objective or reasonable justification. However, Mr Aksu had not managed to build a case to prove that the publications had a discriminatory intent or effect. Mr Aksu's case did not therefore concern a difference of treatment and the Court decided to examine the case only under Article 8.

[No violation of Article 8 \(right to respect for private and family life\)](#)

The Court held that neither the book nor the dictionaries were offensive to Roma. It found in particular that the Turkish authorities had taken all necessary steps to comply with their obligation under Article 8 to protect Mr Aksu's effective right to respect for his private life as a member of the Roma community. It did mention, however, that it would have been preferable to label a second definition of the word "Gypsy" – "miserly" – in the dictionaries as "pejorative" or "insulting" rather than "metaphorical".

Alleged forced or coerced sterilisations of Roma women

[V.C. v. Slovakia \(no. 18968/07\)](#)

8.11.2011

The applicant, of Roma ethnic origin, was sterilised in a public hospital without her full and informed consent, following the birth of her second child. She signed the consent form while still in labour, without understanding what was meant or that the process was irreversible, and after having been told that, if she had a third child, either she or the

¹ It is therefore always examined in conjunction with another Article of the Convention.

baby would die. She has since been ostracised by the Roma community and, now divorced, cites her infertility as one of the reasons for her separation from her ex-husband.

[Violation of Articles 3 \(prohibition of inhuman or degrading treatment\) and 8 \(right to respect for private and family life\)](#)

The Court found that V.C. must have experienced fear, anguish and feelings of inferiority as a result of her sterilisation, as well as the way in which she had been requested to agree to it. She had suffered physically and psychologically over a long period and also in terms of her relationship with her then husband and the Roma community. Although there was no proof that the medical staff concerned had intended to ill-treat her, they had acted with gross disregard to her right to autonomy and choice as a patient. Her sterilisation had therefore been in violation of Article 3. There had also been a violation of Article 8 concerning the lack of legal safeguards giving special consideration to her reproductive health as a Roma at that time. New legislation (the Health Care Act 2004) has now been introduced, which stipulates that sterilisation can only take place 30 days after a written request has been received. It also requires the provision of prior information about alternative methods of contraception, planned parenthood and the medical consequences.

Similar pending cases

[I.G., M.K. and R.H. v. Slovakia](#) - declared admissible 22.09.2010

[N.B. v. Slovakia](#) - communicated to parties on 09.11.2010

[R.K. v. the Czech Republic](#) - communicated to parties on 14.12.2009

Obligation of Roma / Travellers to leave land where they had stationed their caravans

Six cases below concern applications brought by six British gypsy families complaining that they were prevented from living in caravans on their own land

[Buckley v. the United Kingdom](#) - final

25.09.1996

The Court was satisfied that the authorities had weighed up the competing issues and given relevant and sufficient reasons for their decisions, namely that the measures were taken in the enforcement of planning controls for highway safety, the preservation of the environment and public health

[Chapman v. the United Kingdom, Coster v. the United Kingdom, Beard v. the United Kingdom, Lee v. the United Kingdom, Jane Smith v. the United Kingdom](#)
- final

18.01.2001

In these five cases, the Court found that the measures taken against the applicants were "in accordance with the law" and "pursued the legitimate aim" of preservation of the environment, the land in question being occupied without planning permission and in some cases on a Green Belt or Special Landscape area. Nor was the Court convinced that the UK (or any other of the Contracting States to the European Convention) was under an obligation to make available to the gypsy community an adequate number of suitably equipped sites, Article 8 not giving a right to be provided with a home (funds enabling everyone to have a home being a political, not judicial matter)

[In any of the cases, no violation of Article 8 \(right to respect for private and family life and home\) and no violation of Article 14 \(prohibition of discrimination\) of the Convention](#)

[Connors v. the UK](#) - final

27.05.2004

Eviction of applicant and his family from the local authority's gypsy site at Cottingley Springs in Leeds (England), where they had lived permanently for about 13 years, on the

ground that they had misbehaved and caused considerable nuisance at the site. The Court found that the summary eviction had not been attended by the requisite procedural safeguards, namely the requirement to properly justify the serious interference with his rights

[Violation of Article 8 \(right to respect for private and family life and home\)](#)

[Yordanova and Others v. Bulgaria](#)

24.04.2012

The case concerned the Bulgarian authorities' plan to evict Roma from a settlement situated on municipal land in an area of Sofia called Batalova Vodenitsa.

The Court held that there would be a violation of Article 8 (right to private and family life) if the removal order were enforced. It found in particular that the removal order had been based on a law, and reviewed under a decision-making procedure, neither of which required the authorities to balance the different interests involved.

[Winterstein and Others v. France](#) – pending case

Communicated on 09.09.2008

Complaint by applicants, French nationals and mostly Travellers, about their eviction from land in Herblay (Val d'Oise in France) where they had stationed their caravans or lived in "chalets" for many years, without any alternative housing offered to them

[Articles 3 \(prohibition of inhuman or degrading treatment\), 8 \(right to respect for private and family life and home\) and 14 \(prohibition of discrimination\)](#)

Racially biased police investigations

[Nachova and Others v. Bulgaria](#) – final

06.07.2005

Duty to investigate possible racist motives in fatal police shooting of two Roma fugitives (the applicants' relatives)

[Violations of Article 2 \(right to life\)](#)

[Violation of Article 14 \(prohibition of discrimination\) together with Article 2 in that the authorities failed to investigate possible racist motives behind the deaths of the applicants' relatives \(but no violation of Article 14 concerning the allegation that the deaths of the applicants' relatives constituted an act of racial violence\)](#)

Similar cases - final

[Bekos and Koutropoulos v. Greece](#)

13.12.2005

[Secic v. Croatia](#)

31.05.2007

[Cobzaru v. Romania](#)

26.7.2007

[Angelova and Iliev v. Bulgaria](#)

26.7.2007

[Petropoulou-Tsakiris v. Greece](#)

6.12.2007

[Stoica v. Romania](#)

04.03.2008

Police ill-treatment of a 14-year old during a clash between officials and Roma outside a bar and subsequent lack of adequate investigation. The applicant alleged that the ill-treatment and decision not to prosecute the police officer who had beaten him were motivated by racial prejudice.

Two violations of Article 3 (prohibition of inhuman or degrading treatment and lack of effective investigation)
Violation of Article 14 (prohibition of discrimination) on account of investigation having been racially biased

Attacks on Roma villages and destruction of property

Moldovan and Others v. Romania (no. 2) - final

12.07.2005

In September 1993 three Roma men were attacked in the village of Hădăreni by a large crowd of non-Roma villagers, including the local police commander and several officers: one burnt to death, the other two were beaten to death by the crowd. The applicants alleged that the police then encouraged the crowd to destroy other Roma properties: in total 13 Roma houses in the village were completely destroyed. Hounded from their village and homes, the applicants were then obliged to live in crowded and unsuitable conditions – cellars, hen-houses, stables. Following criminal complaints brought by the applicants, some were awarded damages ten years later. The Court could not examine the applicants' complaints about the destruction of their houses and possessions or their expulsion from the village, because those events took place in September 1993, before the ratification of the Convention by Romania in June 1994. However, it found violations concerning the complaints about the applicants' living conditions and noted that the applicants' ethnicity had been decisive in the excessive length and result of the domestic proceedings

Violations of Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life and home)

Violation of 6 § 1 (length of proceedings)

Violation of Article 14 (prohibition of discrimination) together with Article 6 § 1 and Article 8

Moldovan and 29 Others v. Romania – declared inadmissible on 15.02.2011

Case concerned difficulties with execution – general measures – of judgment ***Moldovan and Others v. Romania (no. 2)*** of 12.07.2005

Similar cases:

Gergely v. Romania and Kalanyos and Others v. Romania - final

26.4.2007

Tanase and Others v. Romania - final

26.5.2009

Struck out following declaration by Romanian Government in which it recognised violations of Articles 3, 6, 8, 13 and 14 and of Article 1 of Protocol No. 1 (protection of property) and undertook to pay compensation to all applicants for the loss of their property, as well as to adopt all necessary measures to ensure that their rights would be respected in the future

Koky and Others v. Romania –pending case

Declared admissible on 22.09.2009

Failure of authorities to carry out an effective investigation into an attack on their Roma settlement by 30 young men armed with baseball bats and iron bars during which they were subjected to violence and their property destroyed

Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life and home), 13 (right to an effective remedy) and 14 (prohibition of discrimination) and Article 1 of Protocol No. 1 (protection of property)

Segregation in schools

D.H. and Others v. the Czech Republic – final

13.11.2007

Placement of applicants, schoolchildren of Roma origin, in “special schools” intended for pupils with learning disabilities had not been justified. In particular, the Czech legislation at the relevant time had had a disproportionately prejudicial effect on the Roma community and therefore also the applicants, as members of that community

Violation of Article 14 (prohibition of discrimination) together with Article 2 of Protocol No. 1 (right to education)

Sampanis and Others v. Greece

05.06.2008

Failure to provide schooling for the applicants’ children and of their subsequent placement in special classes– in an annex to the main school building – because of their Roma origin

Violation of Article 14 (prohibition of discrimination) together with Article 2 of Protocol No. 1 (right to education)

Orsus and Others v. Croatia – final

16.03.2010

The Court found that the placement of the applicants, at times, in Roma-only classes during their primary education had not been justified, holding in particular that adequate safeguards had not been put in place at that time to ensure sufficient care for the applicants’ special needs as members of a disadvantaged and vulnerable minority

Violation of Article 6 § 1 (right to a fair trial within a reasonable time) and of Article 14 (prohibition of discrimination) together with Article 2 of Protocol No. 1 (right to education)

Horváth és Vadászi v. Hungary – declared inadmissible on 09.11.2010 for non-exhaustion of domestic remedies

The case concerned the compulsory education of the applicants, who are of Roma origin, in a special class at school. They alleged that the measure applied to them was in fact one of racial segregation.

Articles 3 (prohibition of inhuman or degrading treatment), 13 (right to an effective remedy) and 14 (prohibition of discrimination) and Article 2 of Protocol No. 1 (right to education)

Validity of Roma marriage: refusal to grant survivor’s pension

Muñoz Díaz v. Spain - final

8.12.2009

Applicant, a Spanish national belonging to the Roma community, married in 1971 according to the Roma community’s own rites. Court found that it was disproportionate for the Spanish State, which had provided the applicant and her family with health coverage and collected social security contributions from her husband for over 19 years, then to refuse to recognise her Roma marriage when it came to granting her a survivor’s pension on her husband’s death

Violation of Article 14 (prohibition of discrimination) together with Article 1 of Protocol No. 1 (protection of property)

Prohibition of a Rom from standing for election

Sejdic and Finci v. Bosnia and Herzegovina – final

22.12.2009

The Court found discriminatory the constitutional arrangements, put in place by the Dayton Peace Agreement², according to which only people declaring affiliation with Bosniacs, Croats or Serbs were eligible to stand for election to the tripartite State presidency and the second chamber of the State parliament

Violation of Article 14 (prohibition of discrimination) together with Article 3 of Protocol No. 1 (right to free elections)

Violation of Article 1 of Protocol No. 12 (general prohibition of discrimination) – **the first time the Court has found a violation of this Article**

Other

Paraskeva Todorova v. Bulgaria - final

25.3.2010

Concerned Bulgarian courts' refusal to suspend the applicant's criminal sentence for fraud on account of her Roma origin. In particular, the courts referred to "an impression of impunity, especially among members of minority groups, who consider that a suspended sentence is not a sentence"

Violation of Article 14 (prohibition of discrimination) together with Article 6 § 1 (right to a fair trial)

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² On 14 December 1995 the General Framework Agreement for Peace in Bosnia and Herzegovina, ("the Dayton Peace Agreement") entered into force which put an end to the 1992-95 war in Bosnia and Herzegovina.